

Variable Retention - 2003

Amend 14 CCR § 895 Abbreviations Applicable Throughout Chapter

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W true cardinal direction West

WHR California Wildlife Habitat Relationships System

WLPZ Watercourse and Lake Protection Zone

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NOTE: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582 and 21080.5, Public Resources Code.

Amend 14 CCR §§ 913.4, 933.4, and 953.4 Special Prescriptions

The following special harvesting methods are appropriate under certain conditions:

(a) Special Treatment Area Prescriptions. Special consideration in Special Treatment Areas shall be given to selection of a regeneration method or intermediate treatment compatible with the objectives for which the special area was established. Such areas shall be identified in the plan. To assure the integrity of legally designated historical and archaeological sites and legally designated ecological reserves, and that the objectives of the special treatment areas are met, the RPF and the Director may agree, after on-the-ground inspection, if requested by either party, on specific silvicultural and logging practices to protect such areas. The Director shall notify affected agencies or groups with expertise in the resource involved in the special treatment area of any such areas located during the THP review process.

(b) Rehabilitation of Understocked Area Prescription. For the purposes of restoring and enhancing the productivity of commercial timberlands which do not meet the stocking standards defined in 14 CCR 912.7 [932.7, 952.7] prior to any timber operations on such lands, an area may be harvested provided it is restocked in accordance with Subsections (1) or (2). To facilitate restocking, a regeneration plan must be included in the THP. The regeneration plan shall include site preparation, method of regeneration, and other information appropriate to evaluate the plan.

(1) If the area meets the standards of 14 CCR 912.7 [932.7, 952.7] within five years of completion of timber operations, the area shall be considered acceptably stocked, or shall be considered acceptably stocked if it contains at least 10 planted countable trees for each tree harvested on sites I, II, and III, and 5 planted countable trees for each tree harvested on site IV and V.

(2) On understocked timberlands where no countable conifer trees are to be harvested and the broadleaf species are not designated for management, the area shall be planted to equal or exceed the stocking standards of 14 CCR 912.7 [932.7, 952.7](b)(1) and shall be considered acceptably stocked if within five years of completion of timber operations it contains at least an average point count of 150 of Group A species on all site classifications.

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1 **(c) Fuelbreak/Defensible Space.** Where some trees and other
2 vegetation and fuels are removed to create a shaded fuel break or
3 defensible space in an area to reduce the potential for wildfires and the
4 damage they might cause. Minimum stocking standards within the timber
operating area shall be met immediately after harvest and shall be those
found in 14 CCR 912.7 [932.7, 952.7]. The RPF shall describe in the plan
specific vegetation and fuels treatment, including timing, to reduce fuels
to meet the objectives of the Community Fuelbreak area.

5
6 **(d) Variable Retention.** Variable retention is an approach to
7 harvesting based on the retention of structural elements or biological
8 legacies (trees, snags, logs, etc.) from the pre-harvest stand for
9 integration into the post-harvest stand to achieve various ecological,
10 social and geomorphic objectives. The major variables in the variable
11 retention harvest system are retention types, densities, and spatial
12 arrangement of retained structures; aggregated retention is the retention
13 of structures or biological legacies as intact forest patches within the
14 harvest unit; dispersed retention is the retention of structures or
15 biological legacies in a dispersed or uniform pattern. Retained trees may
16 be intended to become part of future stands managed by the Selection
17 regeneration method. Retained trees are often designated as decadent tree
18 or snag recruitment hence not ever intended for harvest. Regeneration
19 after harvest outside of aggregated retention patches may be obtained by
20 direct seeding, planting, sprouting, or by natural seedfall.

21 **(1)** In the plan, the RPF shall describe in sufficient detail to
22 provide for review and evaluation: the trees and elements retained, the
23 objectives intended to be achieved by retention, the distribution and
24 quantity of retained trees, the intended time period of retention, and any
25 potential future conditions or events the RPF believes would allow harvest
of retained trees. The RPF may explain and justify, and the Director may

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1 approve a plan which indicates up to 50% of retained trees are intended for
2 harvest during future Intermediate Treatments of the regenerated portion of
3 the harvest area where such harvest(s) are consistent with stated Variable
4 Retention objectives.

5 (2) The retention standards for Dispersed Retention shall be
6 measured in average basal area per acre. Where retention is aggregated in
7 groups (greater than or equal to one-tenth acre), percentage of harvest
8 unit area shall be the standard. Sum of all areas within groups divided by
9 harvest unit acres will be used to determine percentage of aggregated
10 retention in the harvest unit. Area and trees located within any standard
11 width WLPZ will be excluded from calculating retention.

12 (3) The following retention standards shall be met:

13 (A) Minimum dispersed Variable Retention standard is 20
14 percent of the Resource Conservation Standards basal area levels stated in
15 14 CCR § 912.7 [932.7 952.7] (b) (2), 10 percent of harvest area in
16 aggregated retention or combinations thereof. Variable Retention harvests
17 at the minimum retention level shall be limited to 30 acres.

18 (B) Table 1 shall be used for Determining the Maximum
19 Size Harvest Area for Variable Retention. For areas with a combination of
20 dispersed and aggregated retention types for determination of permissible
21 unit size, the percentage of basal area in dispersed retention portions of
22 the combination area may be reduced proportionately to the area in
23 aggregated retention indicated in Table 1.

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Table 1

<u>Dispersed Retention</u>	<u>Aggregated Retention</u>	<u>Maximum Size Harvest Area</u>
<u>>20% of 912.7 [932.7, 952.7](b)(2)</u>	<u>>10% Area</u>	<u>30 Acres</u>
<u>>30% of 912.7 [932.7, 952.7](b)(2)</u>	<u>>15% Area</u>	<u>40 Acres</u>
<u>>35% of 912.7 [932.7, 952.7](b)(2)</u>	<u>>20% Area</u>	<u>60 Acres</u>
<u>>45% of 912.7 [932.7, 952.7](b)(2)</u>	<u>>25% Area</u>	<u>80 Acres</u>
<u>>55% of 912.7 [932.7, 952.7](b)(2)</u>	<u>>30% Area</u>	<u>120 Acres</u>
<u>>75% of 912.7 [932.7, 952.7](b)(2)</u>	<u>>40% Area</u>	<u>200 Acres</u>

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1 (C) Aggregated retention areas that conform to the
2 definition of Late Succession Forest Stands under 14 CCR § 895.1, with the
3 exception of the minimum 20 acre threshold size, may be counted as
4 contributing 1.5 times the acres they actually occupy toward providing
5 retention.

6 (D) Retention trees classified as Dunning's Class 3, 4,
7 5, or 7 which exceed the size standards of 14 CCR § 912.7 [932.7, 952.7]
8 may be counted as contributing 1.5 times their actual basal area toward
9 providing retention.

10 (E) Retention standards shall be met on each 20-acre
11 maximum area(s) within each harvest unit. Retention standards may be met
12 by either dispersed, aggregated or a combination of the two types of
13 retention.

14 (F) Unless explained and justified by the RPF in the
15 plan, and approved by the Director, no point within the harvest area where
16 retention standards are met by dispersed retention shall be more than 300
17 feet from a retention tree.

18 (G) With the exception of 14 CCR § 913.4 [933.4, 953.4]
19 (d)(3)(J) below, the average height of dispersed retention trees shall be
20 at least (the average height of dominants and codominants of like species
21 in the pre-harvest stand.

22 (H) For areas where the plan relies on natural seedfall
23 to obtain regeneration, dispersed retention trees shall meet the standards
24 of 14 CCR § 913.1 [933.1, 953.1](c)(1). Where retention is aggregated,
25 retained aggregates shall meet the standards of Commercial Thinning

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1 required under 14 CCR § 913.3 [933.3, 953.3](a) including (a)(1)(A) or
2 (a)(1)(B).

3 (I) Where specific WHR habitat elements are insufficient
4 to provide functional wildlife habitat, the RPF may explain and justify and
5 the Director may approve alternatives to the standards of subsections 14
6 CCR § 913.4 [933.4, 953.4](d)(3)(G) and (H).

7 (J) Decadent and Deformed Trees of Value to Wildlife, and
8 Snags which meet the standards of 14 CCR § 912.7 [932.7, 952.7](b)(3)(A,B
9 or C) and 14 CCR § 912.7 [932.7, 952.7](c) may be counted to meet up to 15
10 square feet of basal area per acre of retention in excess of the minimum
11 variable retention standards (ref. 14 CCR § 913.4 [933.4, 953.4](d)(3)(A)).

12 (K) Trees shall be retained for at least 50 years unless a
13 shorter period of time is described in the plan, explained and justified by
14 the RPF, and approved by the Director.

15 (4) Retention standards shall be met immediately after harvest
16 and if retention trees are to be used to meet stocking, at the time the
17 stocking report is approved.

18 (5) The stocking standards of 14 CCR § 912.7 [932.7,
19 952.7](b)(1) within five years following completion of operations.

20 (6) Retention trees shall be protected to the extent feasible
21 during timber operations consistent with 14 CCR §§ 914.1 [934.1, 954.1];
22 914.2 [934.2, 954.2](e); 914.3 [934.3, 954.3]; 915.2 [935.2, 955.2]; 915.3
23 [935.3, 955.3] and 917.7 [937.7, 957.7].

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1 (7) The plan shall indicate the estimated average pre-harvest
2 and post-harvest basal area by species and diameter class. Diameter class
3 designations shall be grouped in no greater than 6" classes.

4 (8) Where retention is aggregated in groups, the RPF shall
5 provide in the plan a general description of group locations and/or a map
6 showing the approximate location of the groups. This information shall be
7 provided for each logging unit.

8 (9) All trees to be harvested or all retention trees shall be
9 marked by, or under the supervision of, an RPF prior to felling operations.
10 Where timber harvesting does not occur within retained aggregates, the
11 boundaries of retained aggregates may be designated in lieu of marking
12 individual trees within retained aggregates. A sample area must be marked
13 prior to a pre-harvest inspection for evaluation. The sample area shall
14 include at least 10% of the harvest area for each stand type represented in
15 the range of conditions present in the area. Where necessary to evaluate
16 the proposed retention, the Director may require additional marking before
17 plan approval.

18 (10) To facilitate restocking, a regeneration plan must be
19 included in the plan. The regeneration plan shall include site
20 preparation, method of regeneration, and other information appropriate to
21 evaluate the plan. Site preparation activities shall be designed to
22 protect retention elements and maintain ground cover to the extent
23 practicable while at the same time result in seedling establishment on the
24 site and encourage long-term site occupancy of the regenerated trees.

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1 (11) Another Variable Retention harvest may not be applied to
2 the Variable Retention harvest area for at least 50 years for Class I, 60
3 years for Class II or III, or 80 years for Class IV and V site class lands
4 after acceptance by the Director of the completion report except as
5 specified in: (i) a THP that has been approved pursuant to 14 CCR § 913.11
6 [933.11, 953.11](a), (ii) an SYP, (iii) a PTEIR or, (iv) an NTMP).

7 (12) Within ownership boundaries, no logical logging unit
8 contiguous to a previously harvested Variable Retention harvest area may be
9 harvested by a Variable Retention method unless the previously harvested
10 Variable Retention unit has an approved report of stocking and the dominant
11 and codominant trees, not counting retention trees, average at least five
12 years of age or average at least five feet tall and three years of age from
13 the time of establishment on the site either by the planting or by natural
14 regeneration. If these standards are to be met with trees that were
15 present at the time of the harvest, there shall be an interval of not less
16 than five years following the completion of operations before adjacent
17 Variable Retention management may occur.

18 (13) A Regeneration Method Used in Evenaged Management, other
19 than Shelterwood Preparatory Step, may not be applied to the Variable
20 Retention harvest area for at least 50 years for Class I, 60 years for
21 Class II or III, or 80 years for Class IV and V site class lands after
22 acceptance by the Director of the completion report.

23 (14) Within an ownership, at least 10 years must pass after a
24 Variable Retention harvest that exceeds the size standards of 14 CCR §
25 913.1 [933.1, 953.1] (a)(2) before a Regeneration Method Used in Evenaged

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1 Management, other than Shelterwood Preparatory Step, may occur in an
2 adjacent logical harvest area.

3 (15) Within an ownership, the separation requirements and
4 adjacency limitations of 14 CCR § 913.1 [933.1, 953.1](a)(3, 6 and 7) shall
5 apply equally to Variable Retention harvest areas and evenaged regeneration
6 units.

7 (16) Alternative Prescriptions proposed under 14 CCR § 913.6
8 [933.6, 953.6] may not reference Variable Retention as the most nearly
9 feasible method (ref. 14 CCR § 913.6 [933.6, 953.6](b)(3 and 4)).

10 Alternative Prescriptions which approach but do not fully meet the minimum
11 standards of Variable Retention shall be considered Alternatives to a
12 Regeneration Method Used in Evenaged Management.

13 Note: Authority cited: Sections 4551, 4553, and 4561 Public Resources
14 Code. Reference: Sections 4582.5, Public Resources Code.